

REMARKS/ARGUMENTS

Claims 28-34 remain in this application for active consideration. Claims 1-27 have been previously cancelled.

Independent claims 28 and 34 presently stand rejected under 35 U.S.C. §102(b) as being anticipated by Welsch 6,145,289. For the reasons which follow, this rejection is respectfully traversed.

Welsch et al. 6,145,289 discloses a triple windrowing method as illustrated in Fig. 3 wherein the windrower goes around and around the field always in the same direction, rather than back and forth. The first pass of the triple windrow forming method is on the outside of the field of standing materials, with the first swath or windrow being formed directly behind the machine. On the second pass in the same direction the harvested materials are projected into the previously mowed strip alongside the first windrow. Then on the third pass in the same direction the harvested materials are projected into the mowed strip from the second pass, generally alongside the first and second windrows. There is no back and forth mowing in the Welsch et al. method, nor is there any "blind" cut wherein the harvester makes a cutting pass spaced inwardly from the outer edge of the standing material.

In contrast to the Welsch et al. method, the triple windrowing methods of independent claims 28 and 34 both require the first harvesting pass to be a "blind" pass which is "carried out at a location spaced inwardly from an edge of uncut standing crop materials so as to leave uncut standing crop materials along opposite sides of the mowed strip." Welsch et al. simply fails to show or suggest this positively recited step.

Moreover, both independent claims 28 and 34 require the second harvesting pass to be made "in the opposite direction" through uncut standing crop materials. As noted earlier, all of the harvesting passes disclosed in the Welsch et al. reference are carried out in the same direction. Welsch et al. completely fails to show or suggest the back and forth type of harvesting as called for in independent claims 28 and 34.

Appl. No. 10/752,640
Amdt. dated August 31, 2005
Reply to Office Action of August 1, 2005

Further, both independent claims 28 and 34 specify that during the third harvesting pass the severed materials are directed laterally onto the ground "within the mowed strip of the first pass", in contrast to Welsch et al. wherein the materials from the third pass are directed into the mowed strip of the second pass.

Accordingly, it is clear that Welsch et al. fails to show or suggest several positively claimed elements of claims 28 and 34. Thus, Welsch et al. cannot, as a matter of law, be said to anticipate claims 28 and 34, as it is fundamental that all elements of a particular claim must be found within a single reference in order for that reference to anticipate the claimed subject matter. Therefore, it is respectfully submitted that the rejection of independent claims 28 and 34 under §102(b) as anticipated by Welsch et al. should be reconsidered and removed.

In view of the allowability of independent claim 28 as above noted, it is respectfully submitted that claims 29-33, which depend directly and indirectly from allowable claim 28 and set forth further details of the invention not shown or suggested by the art of record, are also in full condition for allowance.

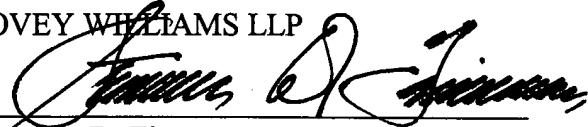
Applicants note that an examiner-initialed copy of form PTO-1449 was attached to the last Office Action. However, while the U.S. patent documents identified in that list have been initialed, the Krone advertisement under the "Other Documents" section of the form does not appear to be initialed. Applicants respectfully request that an additional copy of Applicant's previously submitted form PTO-1449 bearing the examiner's initials beside the Krone advertisement be provided in the next communication from the Office to indicate that the examiner has considered the Krone advertisement.

Appl. No. 10/752,640
Amdt. dated August 31, 2005
Reply to Office Action of August 1, 2005

Forwarding of formal notice of allowance of this application is respectfully requested. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By 

Stephen D. Timmons, Reg. No. 26,513
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
816/474-9050

ATTORNEYS FOR APPLICANT(S)

(Docket No. 34016)